

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**PATRICK EDWARD BROWN,
PLAINTIFF,**

v.

**LUPE VALDEZ, ET AL.,
DEFENDANTS.**

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CASE No. 3:19-CV-2332-E-BK

**ORDER ACCEPTING THE FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge Renée Harris Toliver made findings, conclusions and a recommendation in this case. Objections were filed, and the Court has made a de novo review of those portions of the proposed findings, conclusions and recommendation to which objection was made. The objections are overruled and the Court accepts the findings, conclusions and recommendation of the United States Magistrate Judge.

Defendant Lupe Valdez's Motion to Dismiss (Doc. No. 15) is **GRANTED**. Plaintiff's section 1983 claims against Valdez (Dallas County) are **DISMISSED WITH PREJUDICE**. Plaintiff's section 1983 claims against the remaining Defendants are **DISMISSED WITH PREJUDICE** for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's state law claims for medical malpractice and negligence against the Defendants who have not already been terminated as defendants through amendment or court order, to-wit: Frederick P. Cerise, M.D., M.P.H.; Dr. Chason; G. Paul Singh Tiwana, D.D.S., M.D., M.S.; Valdez; P.A. Urey; and Para Brackens, are **REMANDED** back to the 191st Judicial District Court of Dallas County, Texas

under 28 U.S.C. § 1367(c)(3); and the Clerk of the Court is instructed to close this case.

SO ORDERED this 15th day of September, 2020.

A handwritten signature in black ink, appearing to read 'Ada Brown', written over a horizontal line.

ADA BROWN
DISTRICT JUDGE